



Rep. Curtis J. Tarver, II

Filed: 3/5/2020

10100HB4999ham001

LRB101 15979 RPS 71293 a

1 AMENDMENT TO HOUSE BILL 4999

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4999 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 3-147 and 5-227 as follows:

6 (40 ILCS 5/3-147) (from Ch. 108 1/2, par. 3-147)

7 Sec. 3-147. Felony conviction. For a person who first  
8 became a police officer before the effective date of this  
9 amendatory Act of the 101st General Assembly, none ~~None~~ of the  
10 benefits provided in this Article shall be paid to any person  
11 who is convicted of any felony relating to or arising out of or  
12 in connection with his or her service as a police officer. For  
13 a person who first becomes a police officer on or after the  
14 effective date of this amendatory Act of the 101st General  
15 Assembly, none of the benefits provided in this Article shall  
16 be paid to any person who is convicted of (i) a felony relating

1 to or arising out of or in connection with his or her service  
2 as a police officer or (ii) a disqualifying offense.

3 None of the benefits provided for in this Article shall be  
4 paid to any person who otherwise would receive a survivor  
5 benefit who is convicted of any felony relating to or arising  
6 out of or in connection with the service of the police officer  
7 from whom the benefit results if that police officer first  
8 became a police officer before the effective date of this  
9 amendatory Act of the 101st General Assembly. With respect to  
10 benefits attributable to a police officer who first becomes a  
11 police officer on or after the effective date of this  
12 amendatory Act of the 101st General Assembly, none of the  
13 benefits provided for in this Article shall be paid to any  
14 person who otherwise would receive a survivor benefit who is  
15 convicted of (i) a felony relating to or arising out of or in  
16 connection with the service of the police officer from whom the  
17 benefit results or (ii) a disqualifying offense.

18 This Section shall not impair any contract or vested right  
19 acquired prior to July 11, 1955 under any law continued in this  
20 Article, nor preclude the right to a refund, and for the  
21 changes under this amendatory Act of the 100th General  
22 Assembly, shall not impair any contract or vested right  
23 acquired by a survivor prior to the effective date of this  
24 amendatory Act of the 100th General Assembly. The changes made  
25 by this amendatory Act of the 101st General Assembly shall not  
26 impair any contract or vested right acquired by a survivor

1 prior to the effective date of this amendatory Act of the 101st  
2 General Assembly.

3 All persons entering service subsequent to July 11, 1955  
4 are deemed to have consented to the provisions of this Section  
5 as a condition of coverage, and all participants entering  
6 service subsequent to the effective date of this amendatory Act  
7 of the 100th General Assembly shall be deemed to have consented  
8 to the provisions of this amendatory Act as a condition of  
9 participation. All persons entering service after the  
10 effective date of this amendatory Act of the 101st General  
11 Assembly shall be deemed to have consented to the provisions of  
12 this amendatory Act of the 101st General Assembly as a  
13 condition of participation.

14 In this Section, "disqualifying offense" means any of the  
15 following offenses set forth in the Criminal Code of 1961 or  
16 the Criminal Code of 2012 or any substantially similar offense  
17 in federal law, the Uniform Code of Military Justice, or state  
18 law:

19 (1) Indecent solicitation of a child.

20 (2) Sexual exploitation of a child.

21 (3) Custodial sexual misconduct.

22 (4) Exploitation of a child.

23 (5) Child pornography.

24 (6) Aggravated child pornography.

25 (7) First degree murder.

26 (8) Second degree murder.

1           (9) Predatory criminal sexual assault of a child.

2           (10) Aggravated criminal sexual assault.

3           (11) Criminal sexual assault.

4           (12) Aggravated kidnaping.

5           (13) Aggravated battery resulting in great bodily harm  
6           or permanent disability or disfigurement.

7           (Source: P.A. 100-334, eff. 8-25-17.)

8           (40 ILCS 5/5-227) (from Ch. 108 1/2, par. 5-227)

9           Sec. 5-227. Felony conviction. For a person who first  
10          became a policeman before the effective date of this amendatory  
11          Act of the 101st General Assembly, none ~~None~~ of the benefits  
12          provided for in this Article shall be paid to any person who is  
13          convicted of any felony relating to or arising out of or in  
14          connection with his service as a policeman. For a person who  
15          first becomes a policeman on or after the effective date of  
16          this amendatory Act of the 101st General Assembly, none of the  
17          benefits provided in this Article shall be paid to any person  
18          who is convicted of (i) a felony relating to or arising out of  
19          or in connection with his or her service as a policeman or (ii)  
20          a disqualifying offense.

21          None of the benefits provided for in this Article shall be  
22          paid to any person who otherwise would receive a survivor  
23          benefit who is convicted of any felony relating to or arising  
24          out of or in connection with the service of the policeman from  
25          whom the benefit results if that policeman first became a

1 policeman before the effective date of this amendatory Act of  
2 the 101st General Assembly. With respect to benefits  
3 attributable to a policeman who first becomes a policeman on or  
4 after the effective date of this amendatory Act of the 101st  
5 General Assembly, none of the benefits provided for in this  
6 Article shall be paid to any person who otherwise would receive  
7 a survivor benefit who is convicted of (i) a felony relating to  
8 or arising out of or in connection with the service of the  
9 policeman from whom the benefit results or (ii) a disqualifying  
10 offense.

11 None of the benefits provided for in this Article shall be  
12 paid to any person who is convicted of any felony while in  
13 receipt of disability benefits.

14 None of the benefits provided for in this Article shall be  
15 paid to any person who is convicted of any felony relating to  
16 or arising out of or in connection with the intentional and  
17 wrongful death of a police officer, either active or retired,  
18 through whom such person would become eligible to receive, or  
19 is receiving, an annuity under this Article.

20 For a person who first became a policeman before the  
21 effective date of this amendatory Act of the 101st General  
22 Assembly, a ~~A~~ person who intentionally and unjustifiably causes  
23 delay in proceedings in which the person is ultimately  
24 convicted of a felony relating to or arising out of or in  
25 connection with his service as a policeman shall not be  
26 entitled to any benefits provided for in this Article on and

1 after the filing date of the related indictment or charges.  
2 This paragraph applies to all persons whose felony conviction  
3 was entered on or after January 1, 2019.

4 For a person who first becomes a policeman on or after the  
5 effective date of this amendatory Act of the 101st General  
6 Assembly, a person who intentionally and unjustifiably causes  
7 delay in proceedings in which the person is ultimately  
8 convicted of a felony relating to or arising out of or in  
9 connection with his service as a policeman or a disqualifying  
10 offense shall not be entitled to any benefits provided for in  
11 this Article on and after the filing date of the related  
12 indictment or charges.

13 Any refund required under this Article shall be calculated  
14 based on that person's contributions to the Fund, less the  
15 amount of any annuity benefit previously received by the person  
16 or his or her beneficiaries. This paragraph applies to all  
17 persons who make an application for refund to the Fund on or  
18 after January 1, 2019.

19 This Section shall not operate to impair any contract or  
20 vested right heretofore acquired under any law or laws  
21 continued in this Article, nor to preclude the right to a  
22 refund, and for the changes under this amendatory Act of the  
23 100th General Assembly, shall not impair any contract or vested  
24 right acquired by a survivor prior to the effective date of  
25 this amendatory Act of the 100th General Assembly. The changes  
26 made by this amendatory Act of the 101st General Assembly shall

1 not impair any contract or vested right acquired by a survivor  
2 prior to the effective date of this amendatory Act of the 101st  
3 General Assembly.

4 All future entrants entering service subsequent to July 11,  
5 1955, shall be deemed to have consented to the provisions of  
6 this Section as a condition of coverage, and all participants  
7 entering service subsequent to the effective date of this  
8 amendatory Act of the 100th General Assembly shall be deemed to  
9 have consented to the provisions of this amendatory Act as a  
10 condition of participation. All persons entering service after  
11 the effective date of this amendatory Act of the 101st General  
12 Assembly shall be deemed to have consented to the provisions of  
13 this amendatory Act of the 101st General Assembly as a  
14 condition of participation.

15 In this Section, "disqualifying offense" means any of the  
16 following offenses set forth in the Criminal Code of 1961 or  
17 the Criminal Code of 2012 or any substantially similar offense  
18 in federal law, the Uniform Code of Military Justice, or state  
19 law:

20 (1) Indecent solicitation of a child.

21 (2) Sexual exploitation of a child.

22 (3) Custodial sexual misconduct.

23 (4) Exploitation of a child.

24 (5) Child pornography.

25 (6) Aggravated child pornography.

26 (7) First degree murder.

- 1           (8) Second degree murder.  
2           (9) Predatory criminal sexual assault of a child.  
3           (10) Aggravated criminal sexual assault.  
4           (11) Criminal sexual assault.  
5           (12) Aggravated kidnaping.  
6           (13) Aggravated battery resulting in great bodily harm  
7           or permanent disability or disfigurement.

8           (Source: P.A. 100-334, eff. 8-25-17; 101-387, eff. 8-16-19.)

9           Section 99. Effective date. This Act takes effect upon  
10          becoming law.".